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54/11/22 Hoversten Testifies About Dr. Sam's Divorce Talk

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Hoversten Testifies About Dr.

Dr. Lester T. Hoversten, billed as one of the "big guns" in the case of the People of Ohio vs. Dr. Sam H. Sheppard, became a witness today—the first day of the sixth week of Dr. Sam's first-degree murder trial. He testified for less than two hours.

Dr. Hoversten's testimony was given in answer to questions by Chief Assistant Prosecutor John J. Mahon.

Dr. Hoversten said that his home is in Glendale, Calif., he is an osteopathic physician and surgeon, that he graduated from medical school in 1948. He said he obtained his pre-medical education at the University of Iowa and attended the under-graduate school at the College of Osteopathic Physicians and Surgeons in Los Angeles.

Q.: Do you know Dr. Sam Sheppard?
A.: Yes.

Q.: Did you go through school and graduate together?
A.: Yes, in June of 1948.

Q.: After you graduated, what did you do?

A.: I interned at Los Angeles County Hospital for a year and for the next two and a half years served there as a resident.

Q.: Where did Dr. Sam Sheppard intern?

A.: At the same hospital.

Q.: Were you close?

A.: Yes, I would say so.

Met Sam's Wife

Q.: After he was married did you become acquainted with his wife.

A.: Yes.

Q.: Did you have social contacts with them after they were married?

A.: Yes.

Q.: Did Sam Sheppard attend your wedding?

A.: He was my best man.

Q.: Did you eventually come to Cleveland?

A.: Yes, in July, 1952.

Q.: Where was Sam Sheppard at that time?

A.: On the staff at Bay View Hospital.

Talked About Marriage

Q.: After Sam's marriage—specifically, in 1950—did you have a conversation with Sam in reference to his marriage?

A.: Yes.

Q.: When was that?

A.: In the summer of 1950—some time previous to our annual vacation.

Q.: Where was Marilyn at that time?

A.: She had preceded him to Cleveland. The residents out there have only two weeks vacation and Marilyn had gone on ahead to Cleveland.

Q.: While she was gone you had this talk with Sam?

A.: Yes.

Q.: Relate what that talk was about.

A.: Dr. Sam asked my advice about a letter he had written to Marilyn. I asked him as a favor not to send it at that time but to wait until he could see her.

Q.: You read the letter?

A.: Yes.

Q.: Tell us its substance.

A.: It was a letter addressed to Marilyn. I don't recall all the details. It was to the effect that he was concerned about their marriage and he wanted to tell her how he felt. He felt he wanted to give consideration to the possibility of divorce.

Q.: After you had read the letter did you have a talk about it?

A.: Yes.

Q.: Relate what that conversation was.

A.: I read the letter and felt—

(Objection by Defense Lawyer W. J. Corrigan. The judge told the witness not to tell what he felt.)

A.: (Continued). I advised Dr. Sam not to send the letter but to wait until he could see

Marilyn and talk to her in person.

Q.: Did you at a later date have conversations about that letter?

A.: Yes.

Q.: How long after?

A.: In a week.

Q.: What was this conversation?

A.: I don't recall exactly, but Sam was disturbed over a telephone call he had received from his father. I told him that he should realize his father had his best interest at heart and he calmed down.

Defense Objects

(Corrigan objected to the phrase "calmed down" but was overruled.)

Q.: Do you know what the conversation was that he had with his father?

A.: Not exactly, but his father wanted him to realize his responsibility as a husband and father in this marital situation.

Q.: While his wife was away, did he associate with any other women in California?

(Objection—overruled.)

A.: I do not know of any particular instance where I saw Sam with any one other than his wife.

Q.: Did you at any time go with Dr. Sam in the company of other women?

A.: He was a guest in my home while Marilyn was in Cleveland and he undoubtedly met women on these occasions.

Q.: Do you know Margaret Kauzor?

A.: Yes.

Q.: Was he ever in her company?

A.: Yes, as my guest.

Q.: During your time at Bay View Hospital did you have any conversations with Dr. Sam in reference to his wife, Marilyn?

A.: Several times.

Recalls Other Talk

Q.: Was there a conversation concerning their marital status?

A.: Yes, in the spring of 1953 in his office in Fairview Park.

Q.: Will you relate the conversation at that time?

A.: I don't know how the subject came up—about the possibility of divorce—but I remember asking him if he had talked to his parents about it and I advised him to go slow and be careful because Marilyn was a wonderful wife and probably more so than any other girl might be. And that he might be jumping from the frying pan into the fire.

Q.: Was there anything further on that occasion?

A.: No, we agreed that she had many fine qualities. I don't remember anything further.

Q.: When you first came to Bay View Hospital, where did you stay.

A.: When I arrived in July of 1952, I stayed with Sam and Marilyn at their home.

Q.: How long?

A.: Approximately six weeks.

Q.: Where did you go then?

A.: I moved to an apartment that they had prepared at the Sheppard clinic in Fairview Park.

Several Visits

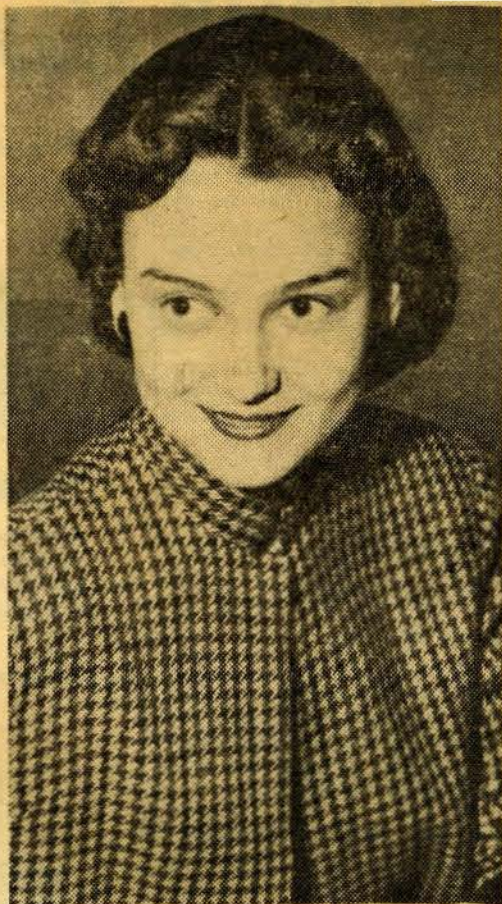
Q.: During your later period at Grandview Hospital in Dayton, O., did you visit here in Cleveland or Bay Village?

A.: I came up several times.

Q.: When did you come on that last visit?



FROM NEAR AND FAR, the Sheppard murder trial is attracting comely visitors. At left is Mrs. Merle McCurdy, wife of assistant county prosecutor, and from Houston, Tex. came Mrs. Forrest Buie Jr.



A.: About 7:30 in the evening of July 1.

The following day (Friday, July 2), Dr. Hoversten said, he arose at about 8 a. m. He and Sam had breakfast together and then drove to the hospital. Dr. Hoversten said that he drove his Ford and Dr. Sam went in his Jaguar.

Q.: When did you next return to the Sheppard home?

A.: I visited some more friends that afternoon, made some calls in the evening, and returned to the Sheppard home about 12:30 a. m. on July 3.

Q.: Who was up?

A.: No one. I walked in the front door. It was not locked. It never was. I turned on the hall light. The switches had been changed since my last visit there. I walked into the kitchen, petted the dog a little and then went upstairs. When I reached the top of the stairway, Marilyn called out "Is that you, Les?" I said, "Yes." She asked me if I had locked the front door. I told her that I had not. She said that was good because she expected a maid early in the morning. I said goodnight and went to my room.

Q.: Was it the same room to which you had been assigned?

A.: Yes.

Q.: Was the bed made when you arrived there that night?

A.: Yes, it was made when I first arrived there Thursday.

Q.: On Friday night, was the bed made up?

A.: I do not recall. I think so. I know it was not made when I came back Saturday noon.

Q.: What time did you get up Saturday morning?

A.: About 8 a. m.

Tells of Packing

Q.: How long were you at the hospital that day?

A.: I think all forenoon. I talked to the hospital administrator and in mid-afternoon went back to the Sheppard home, dressed and packed.

Q.: What time was it when you went out to the Sheppard home?

A.: About 3 or 4 p. m.

Q.: Who was there?

A.: Marilyn was in the kitchen baking a pie. I didn't see Chip.

Q.: What did you do?

A.: I went upstairs, shaved and packed my bags. Marilyn asked me if I would be home for dinner and I said no, I would be at Kent.

Q.: When you arrived that afternoon, was your bed made up?

A.: No.

Left for Kent

Q.: When did you leave?

A.: About 4 p. m. I went to a golf driving range on Brookpark Rd. and swung at a couple of buckets of golf balls. That took about two hours.

Q.: Then what did you do?

A.: I drove to the home of Dr. Stevenson in Kent. Mrs. Stevenson greeted me and said that the doctor and his son were out at the golf course. I drove out there.

Dr. Hoversten then told a detailed story of his stay in Kent. This is the alibi he has to knock down Dr. Stephen Sheppard's contention that he was a "good suspect" in the murder. On the morning of July 4, he said, he played golf again in Kent.

Called by Gareau

Q.: What did you do after playing golf?

A.: I came back to the Stevenson residence, it was about 2:15. Mrs. Stevenson said there had been some calls and just about that time a call came from Detective Pat Gareau who told me about the tragedy in Bay Village and asked me to return.

Q.: What did you do?

A.: I had a quick lunch and then drove to the chief of police in Bay Village. A policeman escorted me to Sam's home where I met Chief Eaton and Dr. Gerber in the house.

Q.: What did you do?

A.: I examined my luggage and personal belongings. A leather secretary on the dresser, and my suits, particularly my blue suit which had \$50 in the pocket.

Q.: Was it still there?

A.: Yes.

Q.: What else did you observe?

A.: When I came up the stairs I observed the mattress in Sam and Marilyn's bedroom was discolored the full length.

Q.: Where did you go then?

A.: To Dr. Richard's house where I met his wife and Dr. Steve's wife. Shortly after Dr. Sheppard Sr. arrived.

Asked to See Sam

Q.: After that, what did you do?

A.: Dr. Sheppard Sr. and I drove to his home. He had just moved in and I'd never seen it before. Then we went back to the hospital. Dr. Sheppard Sr. made some rounds. I asked if I could see Sam and they said he had been through consider-

able that day and suggested I wait until the next day.

Q.: What did you do on July 5?

A.: I had breakfast, was around surgery for a while and late that afternoon visited Sam.

Q.: When you entered the room, what did you see?

A.: Dr. Sam lying on a bed.

Talked to Sam

Q.: Did you have a talk with Sam when you entered?

A.: Yes. I walked up to his bed and I believe I took his hand. Dr. Sam started to cry. He said, "My God, I wish they had killed me instead of Marilyn. Chip needs her as a mother more than me." I tried to comfort him as best I could.

Q.: Anything else?

A.: I didn't know how much of a benefit it would be but I said I had been through a disappointment in my marriage. That I had heard on the radio someone say to give way to grief is detrimental. You cannot be at your best to serve your fellow man or yourself. I remember before I left he thanked me and thought that I had helped.

Q.: While you were there, did anyone else come in?

A.: Oh, yes.

Q.: Who?

A.: Dr. Steve.

Q.: Relate what happened.

A.: Dr. Steve seemed startled to see me and also provoked. I don't remember everything said but he didn't know how I had gotten into the room and wanted me to get out. Dr. Sam told him that I had requested permission from the nurse and she had asked Sam, with that he walked out, came back shortly. He apologized and said he had left orders that anyone to see Sam he should be notified first.

Q.: Was anything else said?

A.: Before I left the room, Steve told Sam to go over the sequence of events as they happened to be sure he had his story straight.

Q.: What did Sam say?

A.: I don't recall him saying anything. He was very quiet.

Q.: How long were you in the room?

A.: I stepped out. I thought they wanted privacy.

Q.: How much of the 10-minute period you were there was Steve in the room?

A.: Not very long. I left shortly after Steve arrived. I recall Dr. Sheppard Sr. walked in while I left. Mrs. Sheppard also came in.

Q.: You mean Sam's mother?

A.: Yes, sir.

Q.: When you went into see Sam in the hospital what was his appearance?

A.: His face was swollen and distorted. His eye was slightly discolored. He complained of pain in his hands and said his

Sam's Divorce Talks

knuckles were sore. He was unusually quiet.

Q.: Where did he complain of the pain?

A.: He said he had a headache and pains in his face and knuckles.

Q.: Did you see Dr. Sam Sheppard after July 5?

A.: Yes, nearly every day until I left on July 13.

Dr. Hoversten then described how he later was questioned by Cleveland police and by county prosecutors, how he flew back to Cleveland from California on Aug. 11 to be questioned again. This took him to the noon recess called by Judge Blythin.

Trial Resumes

As the afternoon session opened, Mahon resumed his questioning of Dr. Hoversten.

Q.: Do you know a young lady by the name of Susan Hayes?

A.: Yes.

Q.: When did you first meet her?

A.: Shortly after I arrived at Bay View Hospital.

Q.: She was an employee there?

A.: Yes, as a laboratory technician.

Q.: Was she there all during the time you were there?

A.: To the best of my knowledge.

Q.: Going back to your visit in Dr. Sam's room in the hospital on Monday, July 5—while you were in the room did Dr. Steve come in?

A.: Yes.

Q.: Did Dr. Steve leave at any time?

A.: Yes. After speaking sharply to me, he walked quickly out of the room and soon came back.

D.: Did he say anything when he came back?

A.: Yes. I was sitting on the left side of the bed and Steve sat near the foot of the bed. He advised Dr. Sam to go over in his mind several times a day—(Objection by Corrigan: "This has already been testified to." Objection overruled.)

A.: (Continued) Dr. Steve addressed Sam in this way: "You should review in your mind several times a day the sequence of events so you will have them straight when you are questioned. For example, you went upstairs and downstairs several times."

Mahon completed his direct questioning at 1:17 p. m.

Cross-Examination

Defense Lawyer Fred Garmone, using a quiet, gentle manner, began the cross-examination of Dr. Hoversten.

Q.: The last time you had any conversation with Sam Sheppard regarding his wife Marilyn and him was in 1953, is that right?

A.: Yes, to the best I can recall.

Q.: From July 1 until you left for Kent, you had occasion to observe Sam and Marilyn. Will you tell how they got along?

A.: They seemed happy and content. I saw nothing unusual.

Q.: Dr. Hoversten, you have never seen Sam Sheppard mistreat Marilyn, have you?

A.: No, I haven't.

Q.: You have never seen Sam Sheppard mistreat Chip?

A.: No, sir.

Q.: On July 5 you went to the hospital and went into Sam's room and shook hands, and Sam started to cry, is that right?

A.: Yes.

Q.: And he said to you, "Why couldn't they have killed me. Chip needs Marilyn," or



FATHER AND BROTHER of Dr. Sam Sheppard, Dr. Richard A. (left) and Dr. Richard N., conferred with each other outside the courtroom at the trial today.

words to that effect?

A.: I think I can remember exactly what was said.

Q.: All right, you tell us.

A.: "I wish they had killed me instead of Marilyn because Chip needs Marilyn more as a mother than he needs me as a father."

Q.: In your friendship with Sam Sheppard over the years, isn't it a fact that he always displayed an even temper?

A.: Definitely.

Q.: After he made the statement you just related, what was his emotional state?

A.: He was quite grief-stricken.

(Tears began to form in the eyes of Sam Sheppard as Hoversten testified.)

Q.: Was it then you said to him to quiet down and propounded some sort of psychology?

A.: Yes.

Q.: During the conversation you had with Sam on July 5 did you observe the condition of his mouth?

A.: Seemingly a slight swelling on one side.

Q.: Did you observe difficulty in his talking?

A.: Yes, a slight difficulty.

Mahon Takes Over

"That's all," said Garmone. And Mahon said "That all," then said "Just one question."

Q.: When you first lived with Sam and his wife, when you first came to Bay View Hospital, that was July of 1952?

A.: Yes, sir.

Q.: You lived at Sam's house a short period?

A.: Six weeks.

Q.: The lights that are used to light up the hallway on the second floor. Where are they turned on?

A.: To my recollection, in two places. At the foot of the stairs and in the hallway at the head of the stairs.

Q.: When you turned the lights on at the foot, you could turn them out at the head, is that right?

A.: That's my recollection.

Q.: Did you observe Sam, whether he was in the habit of turning on the light in the hall as he was going up?

A.: When I first came to live there, it was warm and the door to my room would be left open to get a breeze. Sometime when I retired early and was not asleep I noticed the light turned on as he came up.

Q.: That is a common action

on his part?

A.: Yes, sir.

John Mahon then said "That's all." And Garmone took over on re-cross.

Q.: That testimony would cover the period of July of 1952?

A.: That is correct.

Q.: You can't say conditions were the same in July of 1954, can you?

A.: No, I can't say. I understand there was a fire and that might have changed things.

Rossbach Called

That was all for Hoversten and Deputy Sheriff Carl Rossbach was called to testify.

Rossbach told the jury how Dr. Steve Sheppard on July 5 blocked his attempt to interview Dr. Sam at Bay View Hospital. He said he also tried—unsuccessfully—to question Dr. Sam on July 6 and 7. He said Attorneys Corrigan and Arthur Petersilge aided in keeping Sam from questioning.

He then related the conversation he and other investigators had with Dr. Sam on July 8.

Urged Lie Test

Q.: Did you ask him to do anything?

A.: I told him that he was the only suspect we had and in order to eliminate himself he should cooperate with us and take the lie detector test. He said he was emotionally upset and the test would not be good. I asked him 10 or 15 different times to take the test. He said he would not take it because his attorneys told him not to and his family asked him not to take the test.

Rossbach's testimony was brief and Defense Attorney Corrigan was well into cross-examination when Judge Blythin called a recess at 3 p. m.